

FREEMAN, NOOTER & GINSBERG  
ATTORNEYS AT LAW

LOUIS M. FREEMAN  
THOMAS H. NOOTER  
LEE A. GINSBERG

NADJIA LIMANI  
OF COUNSEL

CHARLENE RAMOS  
OFFICE MANAGER

75 MAIDEN LANE  
SUITE 503  
NEW YORK, N.Y. 10038

(212) 608-0808  
TELECOPIER (212) 962-9696  
E-MAIL: FNGLAW@AOL.COM  
WWW.FNGLAW.COM

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BY ECF

Honorable P. Kevin Castel  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: United States v. Bergstein  
16 CR 746 (PKC)

Dear Judge Castel:

We write to supplement the letter submitted by defense counsel on June 20, 2018 and in response to Your Honor's June 21, 2018 order. In our view, the testimony of Albert Hallac is critical to the *Fatico* hearing and the Government represented that they would produce him "in the event the Court is inclined to grant Bergstein's request to question Hallac at the [Fatico] hearing...". D.E. 397.

As detailed in Mr. Bergstein's sentencing submission, Mr. Hallac managed Arius Libra, the P2 Fund and the TT Fund, in addition to being a beneficial owner in the hedge fund securities and benefitting from the proceeds of the transactions at issue in this case. Accordingly, Mr. Hallac has knowledge regarding one of the most important issues regarding sentencing- the loss amount. "The loss determination should be based on full disclosure by the Government of all funds available to Arius, P2 and TT, as well as the value of any ownership by Hallac, Wellner or their affiliates. The Government should not be allowed to 'hide the ball' to potentially cause an inaccurate and inflated loss amount." D.E. 402, p. 36.

We respectfully request that the Government be ordered to produce Mr. Hallac at the *Fatico* hearing on Monday. If he is not available on Monday, we request a continuance of the *Fatico* hearing in order to ensure that Mr. Hallac is called before all of the defense arguments regarding loss are made.

Respectfully Submitted,

/s/ Lee A. Gineberg

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Lee A. Ginsberg